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THE DRIVE FOR LEGALITY
BY THE
COMMUNIST PARTY OF BRAZIL

September 1958

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SUMMARY

The orthodox Moscow-line Communist Party of Brazil (PCB), outlawed since 1947, is currently engaged in an aggressive, large-scale campaign to regain legal status as a Brazilian political party in order to gain greater freedom to implement its political and ideological objectives in support of Soviet foreign policy. The essence of these objectives, as portrayed in the Party's new program, is the undermining of Brazilian-US relations, with the simultaneous promotion of Bloc interests.

As part of its campaign the Party is behaving in an increasingly overt manner. Many of its leaders have been surfaced for legal work. Organizational changes within the Party are being made to prepare for more effective participation in the 3 October national congressional and state gubernatorial elections, and to increase membership in the Party. Moves are also being made in the labor field aiming toward the formation of a Communist-controlled national labor central to help the Party further its legalization efforts.

To soften public opinion and curry popular favor by demonstrating that the Party no longer subscribes to a policy of violence, PCB Secretary General Luis Carlos PRESTES has publicized certain policy statements admitting the Party's previous error in following a radical policy of calling for the immediate overthrow of the regime, and declaring the PCB's intention now to seek its ends solely through constitutional means. These statements have been followed by announcement of the Party's new line, advocating a "peaceful road" to a democratic government of national liberation and advertising to prospective candidates that a nationalist platform would pay off in terms of Communist support. The new line has also brought Party policy more into alignment with the position held by dissident leader Agildo da Gama BARATA Ribeiro.

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The Party is exploiting to the full the strong current which has given rise to numerous nationalistic fronts among professional classes, youth and students, politicians, the military and others, with whom the Communists are making common cause. For the elections the Communists, as well as the majority of nationalists, seem to favor working through established parties, supporting pro-nationalist candidates on a reciprocal basis. Unable to establish open alliances legally with other political parties on a national scale, the Party is resorting to covert arrangements at lower levels. The strategy is clear, namely that the PCB plans to capitalize on the help Communist votes will give to other parties in order to demand, at a later date, legality for itself.

Pressure is being directed at the national congress, where sentiment in favor of the Party's legalization exists irrespective of political affiliation or ideological considerations, and may well develop further. State and municipal legislators as well as other politicians have made public utterances favorable to the Party and its leaders. While some of the pro-Communist manifestations can be ascribed to expert Communist propaganda work and to political opportunists, it appears that a genuine conviction exists that Party leaders should be amnestied and that the PCB should resume its place in the ranks of Brazil's legally recognized political parties.

PRESTES, whose surfacing was an event exploited to the utmost for its propaganda potentialities by the Party, has placed the achievement of PCB legality in the forefront of Party work. Lately, PRESTES has begun to experience a decline in the once favorable reactions to his appearance everywhere. Also, some political leaders apparently have been adopting a cautious policy, seemingly seeking to avoid public identification with the Communists, although seeking their election assistance covertly. In this connection it is significant to note the mounting concern in military circles and within the Church and government regarding Communist and particularly PRESTES' activities.

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PRESTES and his followers at present continue to hold the propaganda offensive. It is apparent that the Church, Army, Congress, the responsible press and conservative elements have a long lead to overcome before the rapidly approaching elections. Unquestionably PRESTES' emergence has helped to reunite and revive the Party, and the aura of respectability surrounding its new tactical policy has served to increase Communist acceptability to other political groups. These factors may well pave the way toward eventual legality for the Party, barring strong government intervention, which at present appears unlikely.

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I. INTRODUCTION

The Brazilian government withdrew legal recognition of the Communist Party of Brazil (PCB) on 7 May 1947, following a decision by the Supreme Electoral Court cancelling the PCB's electoral registry on the grounds that the Party had violated Article 141, paragraph 13, of the Federal Constitution which prohibits the existence of political parties in opposition to the democratic regime. The Party's headquarters and subordinate offices down to base organization (cell) level throughout the country were ordered closed by the Ministry of Justice. In January 1948 the national congress followed by ousting its Communist members who had been elected on the PCB ticket. Party Secretary General Luiz Carlos PRESTES went into hiding but continued active in directing the Party's affairs. Later, an attempt by the Party to obtain a court countermand of the Ministry of Justice's order was unsuccessful. During the following years, the Party continued to agitate actively and to maintain its cell organization, largely on government sufferance.

In 1955, the Party openly supported the presidential and vice-presidential candidacies, respectively, of Juscelino KUBITSCHKE and Joao GOULART in the 3 October elections, hoping that these men, if elected, would assist it in regaining legality. The KUBITSCHKE government, however, made no move in this direction, and on 5 June 1956 the Party officially withdrew its support of the regime. Since then, although striving to draw support from whatever source it can, the Party apparently has been concentrating on generating grass roots support, rather than depending on the influence of highly-placed government officials.

II. THE CAMPAIGN

A. The August 1957 PCB Central Committee Plenum

In August 1957, the PCB began to regroup its forces in

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preparation for the launching of its campaign for legality. * The move may be said to have been sparked by PRESTES' report presented at the PCB Central Committee Plenum held in the Rio de Janeiro area during 27-29 August 1957, in which he said:

"... Within the present political picture, it is possible to defend and expand democratic liberties more and more... and to create conditions for conquering legality for the Communist Party."

B. The MARIGHELLA Article

Within the Brazilian Communist movement, the new offensive was given added impetus by an article of Carlos MARIGHELLA, the most influential figure in the PCB after PRESTES, in the 30 October 1957 edition of Imprensa Popular, the Party's daily mass organ. MARIGHELLA said in part:

"Each day events occur which indicate more clearly the current trend of the political situation. They confirm the analysis of the Central Committee when that body approved the report by PRESTES at the last plenum.

"... Within the magistracy there are many who are raising their voices in defense of democracy and who wish to see justice done.

* PCB agitation and propaganda demanding legal freedom of action had not, until 1957-1958, been accompanied by effective positive efforts to achieve this end.

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They do not hide the need for revoking the order for preventive arrest which weighs upon PRESTES and the Communist leaders and for annulment of the criminal charges for which they have been indicted.

"So this is the time we must act with all our energy to stimulate the present democratic trend and to bring about the end of restrictions upon Communists.

... Communists must understand more clearly the importance of turning to the masses, leaving aside any hesitation to agitate openly. "

C. Surfacing of Party Leaders

Subsequently, Party leaders who had operated underground for almost a decade began to surface for legal work such as holding public meetings and carrying out political action and propaganda work, and agitating among the masses. The Party apparently had decided not to obstruct the cases against its leaders in the courts any longer,* but to cooperate only to the extent necessary to permit greater open activity on the part of its leaders. The method by which Party leaders have been coming out has been to appear in court in answer to the summons issued long ago, to testify in their own defense in connection with charges levied against them by the government for subversive activity. This has released them temporarily from obligations to the court.

* The several pending court trials and the case of PRESTES are taken up in Appendix A.

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The Party's decision to expose its leaders appears to be based on three considerations. First, the PCB's position of relative weakness which, in view of the losses in Party membership and the anti-Party agitation of dissident leader Agildo BARATA Ribeiro, has called for "sacrifices" to permit greater overt activity on the part of the Party's leadership. Second, the imminence of the congressional and gubernatorial elections during which period political parties will be less inclined to oppose or persecute Communists, if they feel, and some apparently do, that PCB support is valuable, if not essential, in winning an election. A third, but lesser point, is the confidence of PCB lawyers that the courts will not convict Party leaders. The reasoning is that by bringing out Party leaders, arguments for Party legalization become more plausible and, if legality is obtained, then the trials to a large extent will become meaningless and the capability of the government to obtain convictions will be weakened considerably.

D. Increasingly Overt Party Behavior

Among the Party's first moves to promote its respectability and acceptability, as part of its promotional efforts toward legality, has been an increasingly overt behavior. The PCB has learned that better results are obtained from legal efforts and believes that by so doing it will gain greater mass support and wider public acceptance. The PCB has become heartened by the fact that little legal action has been taken against it in the past two years. The Party press and semi-overt Party organizations have been permitted to function rather freely. PCB officials have been bothered little by arrests. Meetings continue to be held and manifestos and other Party pronouncements issued.

As a consequence, the Party gradually has been abandoning its former behavior as an illegal organization and operating more and more openly on all levels from zone to base organizations. PCB functionaries, such as zone-committee secretaries, for example, openly engage in the public distribution and sale of Party publications.

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Some of these functionaries reportedly are also openly addressing trade-union forums and other public gatherings.

Thus current tactics call for organizing and directing mass activity in a legal manner, with illegal activities kept to a minimum. This policy has been described aptly in a speech delivered at a plenary meeting of the Porto Alegre Zone Committee (State of Rio Grande do Sul) on 25 October 1957, setting forth the new policies which were to be adopted by the Zone Committee in the light of PRESTES's report to the PCB Central Committee Plenum in August:

"Naturally when we speak of working more above ground we do not mean to abandon completely our clandestine work. We must guarantee maintenance of Party secrets and the Party's work under all circumstances. To work above ground means that we must turn toward the masses and keep ourselves permanently, and under all circumstances, in contact with them. There should not be one single Communist who is not connected directly with a mass organization. This should be our supreme law."

E. Organizational Changes in the Party

In addition to the Party's increasingly overt behavior, and to assist in efforts to obtain legality and to provide more effective participation by the Party in the forthcoming elections, Party organizational changes have been programmed and, in certain cases, already implemented. A significant number of the Party's clandestine components are being dismantled. In November Party leaders began to be detached from their organizations wherever possible and sent back to local areas, where they were best known, to begin pre-election organizational work. Many PCB leaders reportedly already

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had been assigned districts. This procedure was to be followed on a country-wide basis.

The Party's structure, which in the view of many Party leaders has proved unworkable, is being changed back to a system similar to the one used before the Fourth PCB Congress in 1954. The present structure, consisting of several regional committees in each of certain states and a substructure of zone and district committees subordinate to each regional committee, was primarily the result of Diogenes Lopes de Arruda CAMARA's influence in the Party prior to and during the Fourth Congress. Now in the strategically important states of Sao Paulo, Minas Gerais, Bahia, Rio and Parana, there is to be only one Regional Committee for each state. The PCB national Railroad Enterprise Committee is to be dissolved and its functions assumed by various State Regional Committees. Regional Committees existing in the above-mentioned states are to be changed into Zone Committees. The present Zone Committees of the Regional Committees are to be abolished. Municipal Committees will directly supervise the base organizations in small and medium-sized cities, while in the larger cities the intermediate assistance of district committees will be required. The goals of this reorganization are the re-establishment of State Committees, simplification of Party structure on lower levels and tightening of control exercised by Party headquarters. Reorganization of the Party's components has advanced the most in the Sao Paulo area.

Some of the base organizations and enterprise committees may be reorganized as "Popular Democratic Committees", a form of organization used during the period of PCB legality (1945-1947). The Party expects these groups to be able to infiltrate other non-Communist political groups during the electoral campaign. In this manner, they may be permitted to become integral parts of legally-operating political parties and operate under the aegis of outwardly non-Communist organizations.

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F. Adoption of New Press Policy

In a resolution adopted in March, the Central Committee called for a popularization of the Communist press. The Committee stated that national political developments and the urgent tasks facing the Party called for a close study of the status of the press and a radical change in the PCB's press policy. It went on to say that the Party's press organs were not good enough to accomplish their mission. The small circulation of the daily papers stemmed largely from their narrow sectarian make-up, from their language, impregnated with Party jargon, and from their poor graphic presentation. Also the press reflected "leftist" distortions which had prevailed in the Party for many years.

The aims of the Communist press were outlined thus:

- a. The enlightening and mobilization of the masses and the coordination of the nationalist and democratic forces for the strengthening of the single front against North American imperialism and its internal agents, for national independence, and for democratic freedoms and popular demands.
- b. Political education, organic consolidation, and activation of organization and members of the Party.
- c. The raising of the theoretical and ideological level of the cadre and, in general, of Party members.

It was pointed out that the Party needed a specific organ for each of these tasks. In the first place, newspapers with mass appeal; secondly, a central organ--a political weekly for the militant and the sympathizers; and finally, a political and theoretical magazine for the Party cadre. Communists in general, and advanced intellectual thinkers.

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This policy was quickly implemented. In May the new theoretical and political bimonthly magazine Estudos Sociais, reportedly designed to replace the defunct Problemas, appeared and was introduced as a publication of Marxist tendencies whose aim was to shed light on the social, economic, and political problems concerning the "national and democratic emancipation of the Brazilian people". On 3 August Imprensa Popular, the PCB's daily organ, was closed down. At the same time it was reported that a new modern newspaper with a strong nationalist flavor and appeal to the masses was being organized to take its place. There is evidence that a new weekly doctrinary journal, Orientacao, may replace Voz Operaria, the PCB's weekly internal organ.

G. Efforts to Form Labor Central

In order to further legalization of the Party as well as other political purposes, the Communists have made moves in the labor field, since the beginning of the year, aiming toward the ultimate formation of a national labor confederation to be affiliated with the WFTU and its Latin American regional arm, the Confederation of Workers of Latin America.

As a first step in gaining their objective, the Communists participated in organizing a two-day conference which was held in Sao Paulo on 8-9 January 1958 by representatives of unions from Sao Paulo, the Federal District, the State of Rio de Janeiro and the State of Ceara, to promote closer relations between labor entities throughout Brazil. Roberto MORENA, president of the illegal and virtually defunct Communist-dominated Confederacao dos Trabalhadores do Brasil, participated in private meetings during the conference. The meetings were primarily concerned with the issue of revision of the minimum salary legislation, the Communists hoping to use this much-discussed issue to cement closer relations between unions controlled by them and non-Communist unions, with the eventual formation of an inter-union movement as the first step in the establishment of a labor central.

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At the First (Free) National Labor Congress in Rio de Janeiro during 29-30 March 1958, proposed, called and largely directed by three ICFTU (non-Communist) affiliated labor confederations, a number of Communist-controlled federations and unions were represented by leaders who played prominent roles. However, anti-Communist tactics to a considerable degree were successful at the Conference, which was designed primarily to steal the thunder of the Communist drive for legitimate labor objectives such as a single national labor confederation and improvements in laws dealing with the right to strike, minimum wages, and social security.

On 21 April PRESTES, addressing a group of Sao Paulo labor leaders, stated that the Party's past policy of "combating" non-Communist labor groups had been erroneous and that the Party's technically illegal labor front in Sao Paulo, the Inter-Syndical Unity Pact, controlling about one-third of organized labor in the city, would be scrapped and its component unions would pursue a policy of cooperating with all existing labor organizations.

H. Non-Violence Propaganda

This cooperative approach was first evidenced last fall when PRESTES, in an obvious move to win favor by demonstrating that the Party no longer subscribes to a policy of violence, published certain policy statements in the 9 November 1957 special edition of the PCB's weekly newspaper Voz Operaria, commemorating the 40th anniversary of the October revolution. The PCB chief declared that the Party had been in error in following a "too radical policy of calling for the immediate overthrow of the regime". He stressed the need to support through constitutional means a "democratic and nationalist united front" through which would be achieved a "government of a democratic and nationalist coalition" which would lead naturally to a democratic government of national liberation and ultimately the true Socialist (Communist) Government.

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In reality the PCB official line since 1954 has called for united-front tactics as the avenue toward true socialism. The Party program adopted by the Fourth Congress of the PCB (7-11 November 1954) aligned Brazilian Communists with the current international Communist interpretation of the "national liberation front" strategy and was described by PRESTES at that time as a rectification of the "sectarian" and "leftist" line of the Party's August 1950 Manifesto which openly advocated the overthrow of the government by force.

I. Announcement of New Party Line

In line with Prestes' statements, Imprensa Popular (18 March) and other organs of the Communist press reported the issuance of a new PCB Declaration of Policy which, it was stated, had been approved earlier by the Party's Central Committee. While reiterating that the primary goal of the Party remained the freeing of Brazil from "North American imperialists" and their Brazilian "entreguista" allies (those who wish to turn over the country to foreign interests), the Central Committee asserted that this could be accomplished now through legal and constitutional channels with the establishment of a "united front" of all nationalist groups for the forthcoming elections. (This in contrast to the 1935 period when, in the eyes of the Party, seizure of power by means of armed uprising and monopolization of power by the PCB were essential.)

Party members were asked to participate actively in the elections for the purpose of electing candidates who would strengthen the nationalist sector in government. While recognizing differences between the nationalist philosophy of the PCB and other nationalist groups, the Party nevertheless promised Communist support for nationalist candidates to be found in all parties in the fight to save the country from the "imperialists".

In addition to enhancing the Party's legality campaign by advocating a "peaceful road", the new line also advertised to

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candidates and potential candidates that a nationalist platform would pay off in terms of Communist support. The new line also brought Party policy more into alignment with the position held by dissident leader Agildo de Gama BARATA Ribeiro, who had objected, among other things, to the Party's former view of nationalism as "the most dangerous ideological expression of imperialism", and who believes that Brazilian Communists should follow a peaceful path and act within the Constitution.

J. Exploitation of the Nationalist Movement

The Communists are quite naturally voicing full support for the nationalist movement. There has long been a strong nationalistic current in Brazil showing up in sections of all political parties. The past eighteen months or more have witnessed the emergence of numerous nationalistic fronts, ranging from the far right to the far left of the political spectrum, among the professional classes, youths and students, politicians, the military and others. All espouse the cause of "national economic liberation" from "domination by foreign trusts".

Although a number of these fronts proclaim themselves anti-Communist, their short term objectives coincide with those of the Communists who, following the Mao Tse-tung line for underdeveloped countries, are offering to make common cause with all. PRESTES, in an appeal to labor, business, industrial and student groups to work together, has said:

"At the moment, the essential is that we unite against the common enemy - North American imperialism and its internal agents."

The Communists and the majority of nationalists seem to favor working through established parties, supporting pro-nationalist candidates on a reciprocal basis.

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K. Electoral Maneuvers

The PCB Presidium through a Party edict has drawn the attention of all Party members and sympathizers to the significance of the 3 October 1958 elections. Party leaders at all levels are stressing the national as well as local importance of the forthcoming elections and have urged intensive Communist activity therein. They stress also the importance of registration of voters, exhorting their followers to make sure of their own registration and that of members of their families and of friends, as well as to organize and participate in a campaign to register voters in each municipality and place of work or residence. The strategy is clear, namely that the Party hierarchy plans to capitalize on the help Communist votes will give to other parties in order to demand, at a later date, legality for the Party.

Unable to establish open alliances legally with other political parties on a national scale, the Party is resorting to covert arrangements at lower levels. PCB offers of election assistance appear increasingly tempting to aspiring politicians who traditionally are highly susceptible to alliances with Communism for election purposes. The PCB reportedly has been contacted by several political parties which have requested election support. Keen competition among the numerous contending parties is likely to place somewhat of a premium on the Party's support in certain areas, which may mean the difference between victory and defeat. In Sao Paulo Communists reportedly have gone so far as to place a price of 50 million cruzeiros (\$375,000) on PCB support, although the price has now been reduced to 30 million cruzeiros with still no takers. PRESTES himself has stated he will run for Congress on some party's ticket and a number of other PCB leaders have indicated they also will seek elective posts.

The Party reportedly will have three types of candidates:
a) PCB members not legally barred by the courts from running and who are placed on regular party tickets by special agreement with

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these parties, b) Communists not known as such who have infiltrated into other parties, c) some well-known Communists who will speak publicly in the name of the PCB and will agitate openly for its legalization. The latter are to provide diversionary tactics vis-a-vis the electoral courts.

While striving for the election of their own candidates, Brazilian Communists are not adopting an exclusive position but are considering the victory of non-Communist candidates of the "united front" to be also their own victory. One of their fundamental election objectives is to place in executive and legislative offices candidates of the "united front" who can strengthen the nationalist sectors of government. Communists are supporting the "nationalist and democratic elements" existing in all parties. They have singled out, in the order of exploitative potentiality, the Brazilian Labor Party (FTB), the Social Democratic Party (PSD), the National Democratic Union (UDN), the Brazilian Socialist Party (PSB) and the Social Progressive Party (PSP).

The Brazilian Labor Party, at the convention of its Federal District section (Rio de Janeiro), has nominated several well-known Communists as candidates for federal deputies and city councilmen. In Sao Paulo, Communist leaders who formerly had thought of participating in the leftist Popular Nationalist Front, have received instructions from the Party Presidium to back the winning candidate whoever he might be. Elsewhere in the country Communists have been lining up working agreements with other political parties.

L. Pressure Directed at Legislatures

Meanwhile pressure is being directed at the national congress, where sentiment in favor of the Party's legalization exists irrespective of political affiliation or ideological considerations, and may well develop further. Individuals such as Senator Lourival FONTES, who has drawn attention with his vicious attacks on the

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United States, are in an excellent position to lend force and direction to combined ultranationalist-Communist efforts to gain legality for the PCB coupled with continuing demagogic propaganda on an extreme nationalist and anti-United States theme.

Last fall an increasing number of Brazilian federal, state and municipal legislators and other politicians preparing for the 1958 elections were viewing favorably the granting of legal status to the Party and amnesty for its leaders. Representative of this was the Sao Paulo Legislative Assembly's unanimous approval on 22 November 1957 of a motion favoring political freedom for PRESTES. The motion, formulated by Deputy Cid FRANCO of the Brazilian Socialist Party, who frequently echoes the Communist line, called for a "solidarity vote for... PRESTES, a private citizen deprived of the individual rights and guarantees assured by the Federal Constitution not only to Brazilians but also to foreigners living in the country". Earlier in the Sao Paulo Municipal Chamber, on 20 November, a petition requesting that two aldermen be formally selected "as criminal lawyers to join the legal team that will defend Luiz Carlos PRESTES in the public justice" was approved. The Municipal Chamber of Campinas, according to O Estado de Sao Paulo on 5 December, with only one dissenting vote passed a petition declaring its sympathy for PRESTES "who has a preventive arrest order outstanding against him for political reasons".

All this, of course, occurred before the revocation of the preventive arrest order against PRESTES as well as other top PCB leaders and their subsequent surfacing. Since then, public utterances favorable to the Party and its leaders have continued.

While some of the pro-Communist manifestations of the legislatures can be ascribed to expert Communist propaganda work and to political opportunism, it appears from the pronouncements of a number of otherwise unsuspect politicians that a genuine conviction exists that Party leaders should be amnestied and that the PCB should

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resume its place in the ranks of Brazil's legally-recognized political parties.

M. PRESTES' Return to Public Life

PRESTES' return to public life constitutes an event of importance which has produced a significant impact on the Brazilian political scene. The Party resurrected him politically in cleverly calculated stages which exploited to the utmost his propaganda potentialities. Outstanding among these has been the well-coordinated campaign in which the sob-story of his daughter's return to Brazil was fed to the principal newspapers and magazines which, almost without exception, were completely taken in by the human interest angle. Little or no play was given to the fact that Anita Leocadia had spent several years in the Soviet bloc prior to returning.

Prestes' emergence on 26 March was synchronized with the emergence of the Party's new program, publicized on 18 March, which encompasses four principal objectives: 1) achievement of PCB legality; 2) promotion of a nationalist and democratic single front; 3) freeing of Brazil from "Yankee imperialism" and 4) resumption of diplomatic and trade relations with the USSR. In all his activities, PRESTES has striven for the realization of these objectives, in the forefront of which he has placed the achievement of PCB legality. He has emphasized that Brazilian Communists have a right to work for legality of the PCB and that he considers it will be easier to work for the Party's legal status now that he is free and can "become a candidate for some political position". His emphasis on the "indispensability" and "inevitability" of relations with the Soviet bloc has prompted numerous press comments notable among which has been that of the pro-government daily O JORNAL which has commented:

"Thus there is being prepared the atmosphere for the resumption of diplomatic relations with the Soviet

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Union and afterwards, as an inevitable consequence, the return of the PCB to legality."

Ever since his surfacing, PRESTES has emphasized his good will toward all political parties and toward numerous political leaders of diverse ideological orientation. (He even made conciliatory statements concerning dissident Communist Barata, who had been publicly denounced by Soviet authorities.) He is exploiting to the full the climate of sympathetic popular interest which this "amiable nationalism" has engendered, and the press, particularly during his immediate post-emergence period, has been following his moves with close attention. Some sectors of the more responsible Brazilian press have termed his performance "bad theatre" and there are indications that this feeling may grow. Reports indicate, however, that among politicians doubt of PRESTES' sincerity is not likely to outweigh the factor of the Communist vote in an election year.

III. CURRENT CLIMATE AND OUTLOOK

The political climate within Brazil, despite the recent anti-Communist stirrings of elements within the clergy, military establishment and government, in many respects continues favorable for the Party's work toward legality.

In contrast to the VARGAS regime, the KUBITSCHKE regime, while well-meaning, has been weak and often inept. Lacking a broad basis of popular support, it leans considerably on the military and is dependent for congressional support on an unstable coalition of diverse political groups. Weakness and vacillation in its approach to problems has increased as the cohesion of its support has decreased with the coming of the elections. This has tended to have an adverse effect on internal security matters and strong positive action by it against the Communists is unlikely to be taken.

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The Party's plans appear not only to count on the weakness of the regime and of the Brazilian legal processes but also on the fact that many authorities, themselves seeking electoral support, are not now inclined to use suppressive measures against the Party.

A number of the leaders of various political parties have expressed favorable views concerning the possible return to legality of the PCB. Cid CARVALHO, deputy from Maranhao state and member of the Social Democratic Party, largest pro-government party, has said that, although he had misgivings about the PCB, he favored "legality for all parties, even the Communists" and that "hearing all ideas enriches a debate". Senator Juracy MAGALHAES, president of the National Democratic Union (UDN), the largest opposition and second most numerous party, although recognizing that "the Communists want to reassume legality in order to better serve their objectives of subverting the regime" has declared: "Let the totalitarians come. Whether from the right or the left, they could collaborate in restoring the democratic regime." Mario GUIMARAES, vice-leader of the UDN bench in the federal congress, favors the return of the PCB to legality, believing that the PCB in illegality is dangerous.

As indicated earlier, a pronounced rise in extreme nationalism stimulated in part by agitation and propaganda by the Communists themselves, with many protagonists among left-wing sectors of all parties and with considerable support within the armed forces, has also created a more favorable atmosphere. Efforts of the PCB to control the nationalist movement continue undiminished. To date these efforts have made no significant progress largely because the movement continues to be comprised of various groups representing diverse political elements and is still without a legitimate common denominator to make it a cohesive force. There have also been indications that the government, certainly until the recent emergence of PRESTES, has been less apprehensive about Communist activity than it was prior to mid-1956. The severe

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internal dissension in the PCB following the XX CPSU Congress, caused by the heated debates over the de-Stalinization and Hungarian issues, and aggravated in May 1957 by the defection of former Central Committee member Agildo da Gama BARATA Ribeiro and formation of his Corrente Renovadora do Movimento Marxista Brasileiro, had weakened the Party considerably in numbers, leaders and cadre, and only recently have there been any signs of recovery.

The government obviously has been placed in a difficult position by the anti-Communist statements and actions of Brazilian leaders, which have been prompted largely by the surfacing of PRESTES and his subsequent activities. The continued anti-Communist manifestations of the clergy and behind-the-scenes pressure from the military are increasing and may impel it to act forcefully against Communism. However, its announced program to counter Communism not only has revitalized the Government's normal opposition groups but also has tended to alienate nationalist and leftist elements within its own ranks. Therefore, to drive for a strong anti-Communist legislative program (proposed but as yet undefined by the government) would be to risk an embarrassing defeat in congress. Fear by the opposition that strong national security and loyalty laws will be used for political purposes by the administration to limit opposition activities is traditional. Indications are that the administration may go ahead with its program but that the legislation requested will be the barest minimum sufficient to appease the Church and the military.

Although officials of the Federal Department of Public Security (DFSP) and the Division of Political and Social Police (DPPS) of the DFSP have demonstrated an aggressive anti-Communist program during the past year, their efforts have been crippled by legal decisions favoring the Communists.

The most notorious decision in this respect, prior to the revocation of PRESTES' arrest order, was made in the case of

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Central Committee member Domingos Pereira MARQUES. After failing to have him expelled from Brazil as an undesirable alien (Portuguese), the police charged him with carrying a false identity card under the name of Luiz Alves MENDES. In October 1957, after some deliberation, the judge of the Fifth Criminal Court in Rio de Janeiro acquitted MARQUES on the grounds that he did not commit any crime, since he was not carrying the card with intent of harming anyone but only to evade arbitrary police persecution! This decision, together with the speedy judicial acquittal of various other Communists arrested with incriminating documents, have brought police officials to the realization that more effective anti-subversive legislation is required to cope with Communist activities. Several prominent police officials have used opinion and communications media to stress the weakness of existing legislation.

These officials also have been actively seeking support for their position from state political police organizations. At the Second National Police Conference at Rio de Janeiro during 12-20 May 1958, DFSP and DPPS officials strongly urged that favorable consideration be given to the need for a national police charter in certain specified areas of police responsibility - especially with regard to countering subversive activities throughout the country. The state delegates, however, were practically unanimous in their opposition to this charter, stating that it would violate the principal of state autonomy in this field as specified in the Constitution. The conference agreed to support a compromise resolution calling for "obligatory cooperation" between the DFSP and state police organizations.

It is doubtful that this compromise will appreciably alter the present situation, in which effective cooperation is sporadic and based entirely on the good will of state police authorities. Although the campaign of DFSP officials for better legislation has received favorable support from many sectors, including the responsible press, it is doubtful that the national congress can be persuaded to risk the loss

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of left-wing votes during this election year by taking effective action.

The Party sharply stepped up its campaign for legalization following PRESTES' surfacing. The revocation of his preventive arrest order is viewed by some sources as strengthening the PCB's chances for legality. Also, his freeing will increase the chances for rescission of Article 53 of the electoral law which prohibits known members of the Party from being candidates for public office. One high-level PCB source believes, however, that the political parties which favor acquittal for PRESTES and the annulment of Article 53 may not support the PCB's return to legality, since these parties want to use the Communist voting strength on their own tickets and do not wish to compete with a legal PCB, which by 1960 could probably poll one million votes. The Party is estimated to have mustered about 500,000 votes in the October 1955 presidential election.

Lately some political leaders have been adopting a cautious policy, seemingly seeking to avoid public identification with the Communists, however much they may welcome Communist support behind the scenes. PRESTES, although continuing to receive considerable publicity and maintaining public interest in himself at a high level, has begun to experience a decline in the once favorable reactions to his appearances which he enjoyed everywhere. It may be that this negative reaction, attributable to the underlying insincerity of the Communist posture in general, as well as PRESTES' boldly ostentatious activities, may spell the beginning of a decline in his propaganda effectiveness. There is mounting concern in military circles, and within the Church and government, regarding Communist and particularly PRESTES' activities.

PRESTES and his followers continue to hold the propaganda offensive. It is apparent that the Church, Army, Congress, the responsible press and conservative elements have a long lead to overcome before the rapidly approaching elections. Unquestionably PRESTES' emergence has helped to reunite and revive the PCB, and

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the aura of respectability surrounding the Party's new tactical policy has served to increase Communist acceptability to other political groups. These factors may well pave the way toward eventual legality for the Party, barring strong government intervention, which at present appears unlikely.

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APPENDIX A

THE COURT TRIALS

The ultimate acquittal of PRESTES and other CP Brazil leaders is considered a crucial factor in the attainment of Party legality. There are two distinct and separate trials involved, one in the Third Criminal Court of Rio de Janeiro initiated in January 1948 and the other in the Ninth Criminal Court begun in early 1954. Only those leaders indicted in the former trial are subject to preventive arrest.

The Third Court Trial

Soon after the withdrawal of the Party's registry in 1947, an interview by PRESTES appeared in the Communist Tribuna Popular, expressing hostility and disrespect toward the Armed Forces; slandering the President of the Republic and the Supreme Electoral Court; and making propaganda for conspiracy against the security of the state and the stability of the government. The government then filed a case in the Third Court charging that violations of the order of the Ministry of Justice, which directed that all Party offices be closed, and PRESTES' action were contrary to the provisions of Decree-Law 431 of 18 May 1936 on state security.

On 28 January 1948 the Tribuna Popular published a manifesto by PRESTES and his supporters which was written in the same vein. This was also read in the Chamber of Deputies on 31 January 1948 by Pedro POMAR, a Party official elected on the Social Progressive Party ticket. As a result, a new case was filed in the Fourteenth Criminal Court, but the judge claimed to be impeded from taking action because of the case before the Third Court. Consequently, the two cases were merged. This initial phase of the trial was called formacao de culpa (formulation of the blame).

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The following were indicted in this case for being members of the PCB National Committee and so primarily responsible for the January 1948 manifesto: Luiz Carlos PRESTES, Francisco GOMES FILHO, Joao Amazonas de Souza PEDROSA, Agostinho Dias de OLIVEIRA, Mauricio GRABOIS, Amarilio Oliveira de VASCONCELOS, Agliberto Vieira de AZEVEDO, Pedro de Carvalho BRAGA, Fernando de Paiva LACERDA, Claudino Jose da SILVA, Alvaro Soares VENTURA, Hermes CAIRES, Astrogildo Pereira Duarte e SILVA, Otavio Brandao do REGO, Sergio Alves HOLMOS, Milton Caires de BRITO, Lindolfo HILL, and Iguatemi Ramos da SILVA.

An initial order for preventive arrest based on Decree-Law 431 (passed during the Vargas dictatorship, the Estado Novo) and Article 312 of the Penal Code was denied by the Third Court in 1950, but was approved by the Federal Supreme Court later that year on 4 October.

On 12 September 1951 the trial entered the phase termed sumario do processo. The defense decided to obstruct the proceedings by availing themselves of the right to call eight witnesses per person. Thus, for the eighteen, 148 witnesses legally could be called. The defense submitted the names of 118, including Lazaro Cardenas, former president of Mexico, and the Archbishop of Canterbury. Although hearings have been held with occasional interruptions during the subsequent years, only in November 1956 did the trial enter the stage known as diligencias (court inquiries).

With the passage of the National Security Law in 1953, the defendants were automatically indicted under the terms of that law which now takes precedence over Decree-Law 431.

The Ninth Court Trial

The case in the Ninth Court arose from the publication of the PCB Program and Statutes in respectively the 1 January and 17 January 1954 editions of Imprensa Popular. Twenty-eight PCB leaders were

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indicted for violation of Articles 9, 10, and 11 (paragraph 3) of the National Security Law. Article 9 prohibits reorganization of a political party which has been dissolved by legal order. Article 10 prohibits joining or helping with services or funds any organization coming under Article 9. Article 11, paragraph 3, prohibits the distribution of bulletins or pamphlets which make propaganda for "violent methods of subverting political order", for "class race, or religious hatred", or for "war". This paragraph was used to indict some of the staff of Imprensa Popular for publishing the documents. The PCB circumvented this by paying to have the Program and Statutes published in other newspapers such as the influential conservative daily O Estado de Sao Paulo, which frequently has taken an anti-US line. The government nevertheless did not withdraw its charges, though obviously as a result of the described maneuver, that aspect of its case has been considerably weakened.

Those indicted are: Luiz Carlos PRESTES, Mauricio GRABOIS, Joao Amazonas de Souza PEDROSA, Pedro de Carvalho BRAGA, Renato de Oliveira MOTA, Amarilio de Oliveira VASCONCELOS, Gregorio Lourenco BEZERRA, Agostinho Dias de OLIVEIRA, Francisco GOMES FILHO, Ivan Ramos RIBEIRO, Agildo da Gama BARATA Ribeiro, Diogenes de Arruda CAMARA, Pedro POMAR, Benedito Geraldo de CARVALHO, Milton Caires de BRITO, Carlos MARIGHELLA, Armenio GUEDES, Francisco Leivas CTERO, Otavio BRANDAO, Joao Gomes VICENTE, Joao Batista Lima e SILVA, Henrique Joao CORDEIRO, Diego Soares CARDOSO, Pedro Pinto de Mota LIMA, Josue de Souza ALMEIDA, Adao VOLOCH, Joao Paulo MOREIRA and Aristeu Aquiles dos SANTOS. Eight are charged with violation of Article 11, paragraph 3, while twenty are charged with "signing" and supporting the PCB Program and Statutes.

Although court summonses were issued for eighteen of these leaders, there is no order for preventive arrest now in effect. Diario de Noticias of 9 March 1957 stated that the Ninth Court had determined that if the leaders did not answer the summons within fifteen days,

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the trial would proceed a revelia i.e., without their knowledge or audience. This trial is also in the phase of diligencia, both the prosecution and defense having completed submission of their cases. Barring need for further judicial investigation or questioning, it will enter the phase of alegacoes finais (final claims). Then the court will make a decision.

Of the eighteen, the following have made statements before the court and so are, for the present, free from court interference: BEZERRA, BARATA Ribeiro, Arruda CAMARA, POMAR, GUEDES, and OTERO. Milton Caires de BRITO has probably taken some action to acquit himself in this case also, but exactly what he did or what decision was made is not known. There are no charges against the first six in the Third Court.

The Case of PRESTES

PRESTES is involved in both cases. In order for him to testify without fear of arrest, it was necessary for the Third Court to countermand its arrest order - a goal long sought by PCB lawyers. In connection with Third Court cases, Iguatemi Ramos da SILVA was allowed to go free by a decision in June 1955 of Third Court Judge Jose MONJARDIM Filho, who declared that the provisions of National Security Law 1802 dated 5 January 1953 superseded those of Decree-Law 431 and possibly Article 312 of the Penal Code, upon which the order for preventive arrest was based. Encouraged by this and other successes, notably in the Ninth Court cases, PRESTES' lawyers submitted a request on 16 November 1957 to Judge MONJARDIM for revocation of the PRESTES arrest order so that the PCB leader could be at liberty to respond personally to the summons outstanding in both courts.

On 19 March 1958 Judge MONJARDIM announced publicly his revocation of the preventive arrest order against PRESTES and seventeen other PCB leaders on the condition that they would not

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leave Rio de Janeiro without his prior permission and would appear in his court the first and fifteenth of each month. The Judge justified his long-awaited decision on the grounds that the public order is not likely to be threatened by their release, nor are they likely to flee with the criminal case against them entering its final phase. He added that the Communist leaders could have been imprisoned a maximum of only sixty days under existing law. Since cases were pending against the Communist leaders in two Rio de Janeiro courts, the Judge stated that a final decision would have to await the determination of which court should have jurisdiction.

Later, Judge MONJARDIM decided that a similarity in the two trials gave rise to a jurisdictional issue which called for the two to be joined. Under this decision both actions would be tried by him. The Brazilian Federal Supreme Court, however, on 2 June 1958 issued a unanimous ruling to the effect that the two actions now pending against PRESTES are not connected and that therefore they will continue until final disposition by the Third and Ninth Criminal District Courts respectively. It was pointed out that one action charges PRESTES with the commission of subversive acts while the other charges him with reorganizing an outlawed party.

On 26 March PRESTES made his dramatic reappearance after ten years of living in clandestinity, and made his depositions in the Third Court. It appears now that the precedent of the MARIGHELLA, CAMARA and other cases is being followed and that he is being allowed complete freedom, at least until the new brief of charges against him, which were placed by the government in the Seventh Criminal Court on 9 January 1958, are acted upon.

The Seventh Court Trial

This brief, in preparation by the Rio de Janeiro police since 1955, carries charges against PRESTES, the Imprensa Popular and the Communist-front Rio Association of Friends of the Democratic Press. The charges are based in part on publication of subversive

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documents, such as the PCB Program, in four editions (September and October 1955) of Imprensa Popular. The inditees, PRESTES, Joao Amazonas de Souza PEDROSA, Joao Batista Lima e SILVA, Pedro Mota LIMA, Paulo Pinto Mota LIMA, Eros Sucena Martins TELXEIRA, and Fausto Verneck SOARES are charged with violation of Articles 311 and 312 of the Criminal Code and Articles 10, 11 (sub-paragraphs a and b), and 12 of the National Security Laws No. 1812 of January 1953. A preventive arrest order for those indicted has been requested - the police apparently wanting to get another arrest order on the books to keep PRESTES underground in case he should be acquitted in the future of charges against him in the Third Court.

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THE DRIVE FOR LEGALITY
BY THE
COMMUNIST PARTY OF BRAZIL

September 1958

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SUMMARY

The orthodox Moscow-line Communist Party of Brazil (PCB), outlawed since 1947, is currently engaged in an aggressive, large-scale campaign to regain legal status as a Brazilian political party in order to gain greater freedom to implement its political and ideological objectives in support of Soviet foreign policy. The essence of these objectives, as portrayed in the Party's new program, is the undermining of Brazilian-US relations, with the simultaneous promotion of Bloc interests.

As part of its campaign the Party is behaving in an increasingly overt manner. Many of its leaders have been surfaced for legal work. Organizational changes within the Party are being made, to prepare for more effective participation in the 3 October national congressional and state gubernatorial elections, and to increase membership in the Party. Moves are also being made in the labor field aiming toward the formation of a Communist-controlled national labor central to help the Party further its legalization efforts.

To soften public opinion and curry popular favor by demonstrating that the Party no longer subscribes to a policy of violence, PCB Secretary General Luiz Carlos PRESTES has publicized certain policy statements admitting the Party's previous error in following a radical policy of calling for the immediate overthrow of the regime, and declaring the PCB's intention now to seek its ends solely through constitutional means. These statements have been followed by announcement of the Party's new line, advocating a "peaceful road" to a democratic government of national liberation and advertising to prospective candidates that a nationalist platform would pay off in terms of Communist support. The new line has also brought Party policy more into alignment with the position held by dissident leader Agildo da Gama BARATA Ribeiro.

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The Party is exploiting to the full the strong current which has given rise to numerous nationalistic fronts among professional classes, youth and students, politicians, the military and others, with whom the Communists are making common cause. For the elections the Communists, as well as the majority of nationalists, seem to favor working through established parties, supporting pro-nationalist candidates on a reciprocal basis. Unable to establish open alliances legally with other political parties on a national scale, the Party is resorting to covert arrangements at lower levels. The strategy is clear, namely that the PCB plans to capitalize on the help Communist votes will give to other parties in order to demand, at a later date, legality for itself.

Pressure is being directed at the national congress, where sentiment in favor of the Party's legalization exists irrespective of political affiliation or ideological considerations, and may well develop further. State and municipal legislators as well as other politicians have made public utterances favorable to the Party and its leaders. While some of the pro-Communist manifestations can be ascribed to expert Communist propaganda work and to political opportunism, it appears that a genuine conviction exists that Party leaders should be amnestied and that the PCB should resume its place in the ranks of Brazil's legally recognized political parties.

PRESTES, whose surfacing was an event exploited to the utmost for its propaganda potentialities by the Party, has placed the achievement of PCB legality in the forefront of Party work. Lately, PRESTES has begun to experience a decline in the once favorable reactions to his appearance everywhere. Also, some political leaders apparently have been adopting a cautious policy, seemingly seeking to avoid public identification with the Communists, although seeking their election assistance covertly. In this connection it is significant to note the mounting concern in military circles and within the Church and government regarding Communist and particularly PRESTES' activities.

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PRESTES and his followers at present continue to hold the propaganda offensive. It is apparent that the Church, Army, Congress, the responsible press and conservative elements have a long lead to overcome before the rapidly approaching elections. Unquestionably PRESTES' emergence has helped to reunite and revive the Party, and the aura of respectability surrounding its new tactical policy has served to increase Communist acceptability to other political groups. These factors may well pave the way toward eventual legality for the Party, barring strong government intervention, which at present appears unlikely.

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